

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

KEITH LOWE,

Plaintiff,

v.

**Civ. Act. No: 2:25-cv-272
Honorable Thomas Johnston**

**SUPERINTENDENT JOHN FRAME and
COMMISSIONER DAVID KELLY,**

Defendants.

ORDER

Pending before this Court is Plaintiff Keith Lowe's request for an order facilitating the release of certain records in a related mental hygiene case, Case. No. 25-MH-25, before the Fayette County Circuit Court (Dkt. No. 46). Plaintiff seeks the release of transcripts from his probable cause and final commitment hearings, as well as all related documents from those hearings. This Court has reviewed this request and responsive filings. On July 8, 2025, this Court held a hearing on the matter.

Pursuant to W. Va. Code § 27-3-1, records related to a mental hygiene proceeding are confidential except in certain circumstances, including "[p]ursuant to an order of any court based upon a finding that the information is sufficiently relevant to a proceeding before the court." W. Va. Code § 27-3-1(b)(3). Furthermore, Plaintiff does not oppose and indeed has requested that the records from his mental hygiene proceedings be provided to him in this matter.

Wherefore, the Court **ORDERS** that records from Plaintiff's May 30, 2025, probable cause hearing and from his June 30, 2025, final commitment hearing be provided to this Court pursuant to W. Va. Code § 27-3-1(b)(3) for *in camera* review and a determination of sufficient relevancy in the instant matter. It is further **ORDERED** that this Court shall be provided with all available

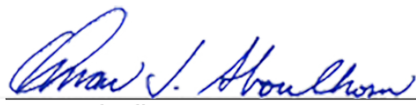
records from these hearings, including but not limited to any transcripts or audio recordings, evidence and testimony presented during these hearings, related mental health records or psychiatric certifications, and all findings of the mental hygiene commissioner and/or circuit court judge in the hearings held in case no. 25-MH-25 before the Circuit Court of Fayette County.

The Clerk for the Circuit Court of Fayette County is **DIRECTED** to provide the aforementioned records to Judge Omar Aboulhosn of the United States District Court for the Southern District of West Virginia as expeditiously as possible. The Court requests that these records be transmitted to the Court via email to Heather Kropac, Law Clerk for the Honorable Omar Aboulhosn, Magistrate Judge, at heather_kropac@wvsd.uscourts.gov.

The Clerk is requested to distribute a copy of this Order to all counsel of record, and to the Office of the Clerk for the Circuit Court of Fayette County, 100 North Court Street, Fayetteville, West Virginia 25840.

ENTER: July 9, 2025.




Omar J. Aboulhosn
United States Magistrate Judge

Prepared by:

/s/ Lesley M. Nash
Lydia C. Milnes (WVSB #10598)
Lesley M. Nash (WVSB #14158)
Mountain State Justice, Inc.
1029 University Avenue, Suite 101
Morgantown, WV 26505
(304) 326-0188
(304) 326-0189 (fax)
lydia@msjlaw.org
lesley@msjlaw.org